

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Original Filed by ECF

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EUGENE R. DANIELS, III,

Plaintiff,

-against-

NEW YORK STATE DIVISION OF HUMAN  
RIGHTS,

Defendant.

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07-Civ-8007 (WHP)

**NOTICE OF MOTION  
TO DISMISS THE  
AMENDED COMPLAINT**

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PLEASE TAKE NOTICE that upon the attached Declaration of Susan Anspach, dated April 18, 2008 and the Exhibits attached thereto, the accompanying Memorandum of Law, dated April 18, 2008, and all prior pleadings and proceedings had herein, defendant New York State Division of Human Rights ("NYSDHR") will move this Court before the Honorable William H. Pauley, III, United States District Judge, on May 27, 2008 or on such other date as set by this Court, at the United States Courthouse located at 500 Pearl Street, New York, New York, for an order pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure dismissing

the plaintiff's amended complaint for lack of subject matter jurisdiction, for failure to state a claim upon which relief can be granted and for such other and further relief as may be just and proper.

Dated: New York, New York  
April 18, 2008

Respectfully submitted,

ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendant

By:  
/s/ Susan Anspach

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